

**RECEIVED  
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FEB 04 2008

PATENT

IN THE UNITED STATES PATENT OFFICE

On Application of  
Inventor : GEPFREY, Dale A., et al  
Serial No. : 10/762,415  
Filed : 01/22/2004  
Title : WATER-TIGHT WINDOWS WITH PREFORMED CORNERS  
Art Unit : 3634  
Examiner : SITRIMBU, Gregory L. [Primary Examiner]  
Docket No. : GII 001 P2 US  
Pages : 1-5 Request; 6-22 Exhibit copies

Mail Stop: Technology Center 3600;  
Director of Group 3630, Art Unit 364; COGGINS, Wynn  
Commissioner for Patents  
P.O. Box 1450  
ALEXANDRIA VA 22313-1450

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted  
to the Patent and Trademark Office at 571/273-8300 on  
04 February 2008.

Signature

  
Joseph G. Nauman

Reg. No. 18,032

Request to the Group Director, Group 3630, Art Unit 3634,  
to Withdraw the Finality of an Office Action Mailed 28 November 2007  
in the above-identified application, to allow  
Determination of the Priority Status of the Above-Identified Application,  
and Suspending of the Rules of Practice, if and as Necessary, to allow time for such a  
Ruling and Subsequent Response Thereto

**Background**

Applicants' Counsel timely filed this application on 22 January 2004 and it was given Serial No. 10/762,415. The Application is based upon an International Application PCT /US02/23360 filed 3 July 2002, and was Published as WO 03/010406 on 6 February 2003; it claims the priority of U.S. Provisional Application 60/307339 filed 23 July 2001. A courtesy copy of that PCT Published Application was filed with this application on 22 January 2004, within the 30 month limit for filing National applications.

After filing of the International Application, Counsel received a copy of the International Search Report dated 14 March 2003, then a Written Opinion dated 19 November 2003, then a Notice of Transmittal of International Preliminary Examination Report dated 21 May 2004; and the last item was some FOUR MONTHS AFTER the filing date of this application. The first sheet of that 21 May 04 document, which is in the nature of a "covering letter," states:

"4. REMINDER The applicant must enter the national phase before each elected Office by performing certain acts (**filing translations and paying national fees within 30 months of the priority date..**) " There is no mention of a "Continuation."

The priority date for this application is 23 July 2001, and 30 months later is 23 January 2004; As noted at the outset, this application was filed 22 January 2004, and no translations were necessary.

The following 5 sheets of the 21 May 2004 document comprise the INTERNATIONAL PRELIMINARY EXAMINATION REPORT. On the first such page, item 3. states "This report contains indications regarding the following items:" ; items I, III, V and VII are checked, but item IV [labeled " Lack of unity of invention"] is NOT checked.

Both the "covering sheet" and the first sheet of the International Preliminary Examination Report are signed by Gregory J. Strimbu (the Examiner in this application) as "Authorized Officer" for the IPEA/US;

#### **Filing This Application**

Despite a date mistake in the forwarding letter for this application, the Patent Office correctly accorded the application its 22 January 2004 filing date. That Forwarding letter clearly states "This is a request for National Filing of a U.S. patent application based on International Application Ser. No. PCT/US02/23360 filed 23 July 2002..."

A proposed Preliminary amendment was filed with this application. Its heading refers to [National based on Intl. Appl. Ser. No. PCTUS02/23360 filed 21 January 2004. It was intended to take into account the prior art (Garnacci US 4,205,286 & others in the PCT report) and cure the 'multiple claims questions raised in the International Examination Report.

The official Notice to File Missing Parts dated 27 April 2004 , requested applicant to file "a properly signed oath or declaration in compliance with 37 CFR 1.63, a late filing surcharge of \$65 and additional claims fees of \$180 for the "multiple claims problem' That Notice specifically stated "Filing Date Granted" and it set a time for response as TWO MONTHS from the date of this Notice. A response with the additional fees and a Declaration filed by the inventors, and on behalf of the Assignee, was mailed in about 33 weeks, on 19 May 2004.

That response stated "Please note this is a National Filing based on a published PCT application, which in turn claimed priority of a US Provisional Application SN 60/307,349 filed 23 July 2001;" [a courtesy copy of the published PCT application was furnished with the original transmittal letter.], and "In view of that, is publication of this application necessary, and should the Filing Receipt state the Priority claim?"

The Office, in evident reply, sent a "RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT mailed 7 June 20004" stating (checked) only "The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic of foreign priority"

An UPDATED FILING RECEIPT, also dated 07 June 2004, was received and it lacked information about "Domestic Priority data as claimed by Applicant" and Foreign Applications"; also stated 'Non-Publication Request :NO & No Publication Request:NO'

Those two statements appear to be totally lacking in any knowledge of filing a National application based on a PCT application; they do not even address this subject.

On 24 June 2004 Counsel mailed a further Preliminary amendment to insert a reference to "related Applications" below the Title; this insertion states:

--Related Applications

This application is a U.S. National application based upon International Application PCT/US02/23360 filed 23 July 2002, which in turn claims priority of U.S. Provisional application Ser. No. 60/307,349 filed 23 July 2001. -- (copy included here)

There has not been any comment or objection to this amendment and whether or not it is entered. It has been Counsel's understanding for the last 3 ½ years that such amendment has been entered. Now, Counsel requires [and requests] written Notice whether or not that amendment **IS** entered in this application.

If it is, that is a contradiction to the Examiner's recently stated position that this application is a "Continuation." (in the Final Office Action dated 28 November 2007) and a "continuation under 35 USC 120 of PCT application number PCT/US02/23360."

**Office Actions & Amendments**

Up to the time of the first Office Action, Counsel received NO comment or information indicating this application was not (or not considered to be) a National application. Counsel cannot find anything in his record, up to the Final Rejection, that even hints that the "status" of this application had been changed to a "Continuation" from a National application.

On 25 April 2006, before the first Office Action mailed 27 April 2006, Examiner Strimbu telephoned Counsel and requested an oral election between three different groups of claimed inventions. Counsel's recollection is he orally elected Group I, claims 1-13, conditionally. In making the Requirement for Restriction the Examiner properly noted that Counsel's election was provisional and "Affirmation of this election must be made by applicant in replying to this Office action."

Absolutely nothing was stated before, or in, the first Office Action regarding any change or ruling that this application was NOT a National application. This must be explained in the record (not simply stated) so Counsel can address this issue.

The Examiner and Counsel then exchanged correspondence about non-compliant responses due to lack of, or improper, 'claim identifiers'. Counsel admits he made a number of errors in that regard, but these were not understood and solved until Counsel asked whether the original Preliminary amendment had been entered, and the Examiner then assured that it has been entered.

There was no discussion about the second Preliminary amendment that "entered" the cross-references back in 2004 (see above), and it was not until after the Final Rejection that Counsel began to wonder what really IS the status of the amendment filed 24 June 2004. Thus, it was only after the Final Rejection that Counsel is becoming aware of things in this prosecution that may have been occurring back in 2004, and of which he had no knowledge.

Turning to the "status" of this application [as either a National application or a "Continuation" of the PCT application], Counsel cannot find any Statement from the US Patent Office [e.g. from the Examiner or in Official Notices] that explains which it is and why. Nothing was said about this in the first Office Action, mailed 27 April 2006. That action includes, among other things, a Requirement for Restriction under 35 USC §121, objection to the Abstract then on file, which has since been overcome, and rejections under 35 USC §112 & 103(a) as to the specification (improper IDS, "language" used in the Specification), and an enclosed Notice of References which effectively takes care of the listing of references in the application that are present since the text of the US Provisional application filed in 2001.

Applicants responded with an Amendment filed 1 August 2006 and Counsel pointed out that the Requirement for Restriction was improper since this case is a National application filed under the provisions of 35 USC §371 National Stage: Commencement, and the International Preliminary Examination Report did not indicate a Lack of Unity of Invention, [as noted above, that report was signed by this Examiner on behalf of the PCT office IPEA/US].

After several actions for lack of or improper "claim identifiers", the last of which carries a note that the amendments should be based on the claims as filed 1/22/2004, Counsel complied and also pointed out that the amendment did NOT underline words which had been added by preliminary amendment to the original claims..

Next, on 28 November 2007, the Examiner issued a FINAL rejection which states "U.S. patent application serial number 10/762,15 is a continuation under 35 USC 120 of PCT application number PCCT/US02/23360. Therefore, the applicant's comments concerning the provisions of 35 USC 371-376 do not apply to this application." Essentially the same statement is made regarding the "Election/Restrictions" ending with the statement: "The requirement is still deemed proper and is therefore made FINAL."


Counsel notes the Examiner says this application is a continuation, but no statement or explanation can be found in this record as to HOW this change occurred / was made / ?? , thus applicants are totally uninformed as to **the basis** for this holding. It appeared for the first time in the FINAL rejection. Is it subject to appeal? Did the Examiner make this "holding" ? If so did he have authority to make such a holding?

The Examiner was told many times, beginning from the initial filing on 22 January 2004 that "This is a National application..." and yet this very important point was not addressed until the Final rejection, and then it was treated as a fact, but applicants are not told HOW it seems to have become a fact.

In view of the foregoing, Applicants request that the Finality of that Action (28 Nov 2007) be withdrawn, and that someone explain to Counsel in this record if the application truly is a Continuation under 35 USC §120, and not a National application, and also advise how applicants should proceed, depending on the answer to that question.

For convenience, copies of certain of documents are included as Exhibits with this Request in an effort to minimize its length and hopefully make it easier to follow.

Respectfully submitted,

  
Joseph G. Nauman Reg. 18,032  
Atty. Of Record

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IN THE UNITED STATES PATENT OFFICE**

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Mail Stop: Technology Center 3600;  
Director of Group 3630, Art Unit 364; COGGINS, Wynn  
Commissioner for Patents  
P.O. Box 1450  
ALEXANDRIA VA 22313-1450

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## PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
JOSEPH G. NAUMAN  
696 RENOLDA WOODS CT.  
DAYTON, OH 45429-3415

**PCT**

NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

**21 MAY 2004**

Applicant's or agent's file reference

GII 001 PCT

**IMPORTANT NOTIFICATION**

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US02/23360

23 July 2002 (23.07.2002)

23 July 2001 (23.07.2001)

Applicant

**GEPFREY INDUSTRIES, INC**

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703)305-3230

Form PCT/IPEA/416 (July 1992)

Authorized officer

Gregory J. Strimbu

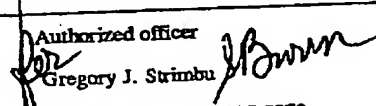
Telephone No. 703-305-3979

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
GII 001 PCT	International filing date (day/month/year)	Priority date (day/month/year)
International application No.	23 July 2002 (23.07.2002)	23 July 2001 (23.07.2001)
PCT/US02/23360	International Patent Classification (IPC) or national classification and IPC	
IPC(7): E06B 3/20, 3/96 and US Cl.: 052/204.55		
Applicant		
GEFFREY INDUSTRIES, INC		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>15</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>0</u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"><li>I <input checked="" type="checkbox"/> Basis of the report</li><li>II <input type="checkbox"/> Priority</li><li>III <input checked="" type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</li><li>IV <input type="checkbox"/> Lack of unity of invention</li><li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li><li>VI <input type="checkbox"/> Certain documents cited</li><li>VII <input type="checkbox"/> Certain defects in the international application</li><li>VIII <input checked="" type="checkbox"/> Certain observations on the international application</li></ul>		
Date of submission of the demand	Date of completion of this report	
18 February 2003 (18.02.2003)	18 March 2004 (18.03.2004)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer  Gregory J. Strimbu Telephone No. 703-305-3979	

Form PCT/IPEA/409 (cover sheet)(July 1998)



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US02/23360

## V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. STATEMENT

Novelty (N)	Claims 3, 5, 14-18 ✓	YES ✓
	Claims 1, 2, 19, 20	NO
Inventive Step (IS)	Claims NONE	YES
	Claims 1-3, 5, 14-20	NO
Industrial Applicability (IA)	Claims 1-3, 5, 14-20 ✓	YES ✓
	Claims NONE	NO

## 2. CITATIONS AND EXPLANATIONS

Claims 1, 2, 19 and 20 lack novelty under PCT Article 33(2) as being anticipated by Garnacci. Garnacci discloses a window construction comprising an exterior frame (not numbered, but seen in figure 3) including at least four formed frame corners 1b, 2b, 5b, 6b and at least four extruded rails 102, 120, 122, 126 joined between the frame corners to define the exterior shape of the frame outer edges and the shape of the edges of an interior opening surrounded by the frame, the rails providing the header, sill, and jambs of the frame, the joints of the formed corners and rails having joint sections (not numbered, but seen in figure 1) which present a smooth exterior at least one the exteriorly visible parts of the joints, the corners and rails also having integral exterior frame flanges (not numbered, but seen in figure 25) extending outward thereof for attachment of the assembled window into a window aperture, the corners and rails having at least one channel (not numbered, but seen in figure 25) extending about the interior opening to receive and support a window pane, and the rails and corners being formed from essentially the same material.

Claim 3 lacks an inventive step under PCT Article 33(3) as being obvious over Garnacci, as applied to claims 1, 2, 19 and 20, in view of Pinnington. Pinnington discloses the use of a sealant when attaching the corner sections of a plastic frame together (see page 2, lines 80-84). It would have been obvious to one of ordinary skill in the art to provide Garnacci with a sealant, as taught by Pinnington, to ensure that the joint does not leak and to increase the strength of the joint.

Claim 5 lacks an inventive step under PCT Article 33(3) as being obvious over Garnacci, as applied to claims 1, 2, 19 and 20, in view of Pinnington. Pinnington discloses the use of welding to attach corner sections of a plastic frame together (see page 2, line 89). It would have been obvious to one of ordinary skill in the art to provide Pinnington with a welded joint, as taught by Pinnington, to provide an rapid means for attaching the corner sections of the frame together.

Claims 14-17 lack an inventive step under PCT Article 33(3) as being obvious over Pinnington. Pinnington is silent concerning the method by which the invention therein is manufactured. However, the manufacture of the invention disclosed by Pinnington would inherently lead to the method steps set forth in claims 14-17.

Claim 18 lacks an inventive step under PCT Article 33(3) as being obvious over Garnacci, as applied to claims 14-17 above, and in further view of Pinnington. Pinnington discloses the use of welding to attach corner sections of a plastic frame together (see page 2, line 89). It would have been obvious to one of ordinary skill in the art to provide Pinnington with a welded joint, as taught by Pinnington, to provide an rapid means for attaching the corner sections of the frame together.

Multiple dependent claims are permitted in international applications before the United States Patent and Trademark Office as an International Searching and International Preliminary Examining Authority or as a Designated or Elected Office, if they are in the alternative only and do not serve as a basis for any other multiple dependent claim (PCT Rule 6.4(a), 35 U.S.C. 112). Because claims 4 and 6-13 improperly serve as the basis for another multiple dependent claim they have not been further treated on the merits.

Form PCT/IPEA/409 (Box V) (July 1998)



LAW OFFICE OF  
**JOSEPH G. NAUMAN**

*Specializing In Intellectual Property Matters*  
Patent • Trademark & Copyright • U.S. & International

22 December 2004

P.O. Box 292470  
696 Renolda Woods Ct. (Res.)  
Dayton, Ohio 45429  
(937) 643-0980  
(937) 643-0985 Fax

Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
ALEXANDRIA VA 22313-1450

Sir:

This is a request for National Filing of a U.S. patent application based on International Application Ser. No. PCT/US02/23360 filed 23 July 2002. [Attorney Docket GII 001 PCT] by Applicant **GEPFREY INDUSTRIES, INC.**, a corporation of Ohio, with offices at 429 Cushing Ave., DAYTON OH 45429. The inventors are

Dale A. Gephrey, residing at 2347 North First Street, UPLAND CA 91784, and  
Gary L. Gephrey, residing at 429 Cushing Ave., DAYTON OH 45429.

A courtesy copy of said International Application is included herewith.

Enclosed are:

One Declaration by the inventor and one Power of Attorney from the Assignee;  
One Statement supporting small entity status;  
A preliminary amendment to be entered upon filing of the National application.  
A postage paid return card.

The assignment of the invention to Gephrey Industries, Inc. is being submitted for recording under a separate cover letter with a separate check for payment of the recording fee.

A check is enclosed in the amount of \$530.00 for the filing fee, calculated as follows:

Basic fee for small entity	\$385.00
Independent claims over 3	0.00
Multiply dependent claims	145.00

Total	\$ 530.00
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Please address all correspondence to

Joseph G. Nauman

696 Renolda Woods Ct.

Dayton OH 45429-3415

Tel 937-643-0980; FAX 937-643-0985; email jgnpat@ameritech.net

Respectfully submitted,

Joseph G. Nauman  
Reg. No. 18,032

Express Mail mailing label No. ER 185035694 US

Date of Deposit 22 December 2004

I hereby certify that this (these) paper(s) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above, and is addressed to

Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
ALEXANDRIA VA 22313-1450

Joseph G. Nauman

-9-

6855



LAW OFFICE OF  
**JOSEPH G. NAUMAN**  
696 RENOLDA WOODS CT.  
DAYTON, OH 45429

KEYE  
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CINCINNATI, OH 45255  
58-29/422

1/22/2004

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Commissioner for Patents  
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ALEXANDRIA, VA 22313-1450

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006855 04 2200 295080 545 7432

Please stamp/indicate Receipt Date of  
Accompanying Papers & Return

NEW  
Paper : US NATIONAL APPL - BASED ON PCT/US02/23360  
Inventor: GEPFREY, DALE A. JR.  
Title : WATER-TIGHT WINDOWS WITH PREFORMED CORNERS  
Ser. No.:  
Docket : GII 011 P2 US  
Date Due: 23 JAN 2004  
Remarks: PRELIMINARY AMENDMENT  
COPY OF PUBLISHED PCT  
TRANSMITTAL LETTER  
CHECK FOR \$530.00

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Page 1 of 2

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/762,415	01/22/2004	Dale A. Gepfrey	GII 001 P2 US

Joseph G. Nauman  
696 Renolda Woods Ct.  
Dayton, OH 45429-3415

CONFIRMATION NO. 4545

FORMALITIES LETTER

  
\*OC000000012459799\*

Date Mailed: 04/27/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$180 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$245 for a Small Entity

- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$180
  - \$180 for 20 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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PATENT

## IN THE UNITED STATES PATENT OFFICE

## Application of

Inventor : Dale A. Gepfrey et al  
Serial No. : 10/762,415  
Filed : 22 January 2004  
Title : Water-tight Windows with Preformed Corners  
Art Unit : 3634  
Examiner : N/A  
Docket No. : GII 001 P2 US

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
ARLINGTON VA 22313-1450

Sirs:


In response to the Notice to File Missing Parts dated 27 April 2004, a Declaration signed by the inventors, and on behalf of the Assignee, is included with this transmittal letter.

In accordance with the Notice, a payment of \$65.00 is being made to cover the "Late Declaration surcharge, and a payment of \$180.00 is being made to cover the fee for 20 total claims in excess of 20. Counsel apologizes for the miscalculation.

A check in the amount of \$245.00 is included.

Please note this is a National filing based on a published PCT application, which in turn claimed priority of US Provisional Application SN 60/307,349 filed 23 July 2001; a courtesy copy of that published PCT application was furnished with the original transmittal letter. In view of that, is publication of this application necessary, and should the Filing Receipt state the Priority claim?

Respectfully submitted,

  
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Reg. No. 18,032

19 May 2004  
696 Renolda Woods Ct.  
Dayton OH 45429-3415

- 13 -

937/643-0980; FAX 937-643-0985; Email jgnpat@ameritech.net

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to

Mail Stop Missing Parts

Commissioner for Patents

ARLINGTON VA 22313-1450

on 19 May 2004

  
Joseph G. Nauman, Reg. No. 18,032

Please star indicate Receipt Date of  
Accompanying Papers & Return

Paper : *Missing Parts / Deck + Fees*  
Inventor: *Dale R. Jeffery*  
Title : *Water-tight Windows w/ Preformed*  
Ser. No.: *101762, #15* *Corners.*  
Docket : *G11 001 P2*  
Date Due: *27 June 07*  
Remarks: *Declaration + check No. 6957*  
*+ Small Entity* *for # 245,000*  
*Decl*



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/762,415	01/22/2004	3634	775	GII 001 P2 US	6	20	3

Joseph G. Nauman  
696 Renolda Woods Ct.  
Dayton, OH 45429-3415

CONFIRMATION NO. 4545

UPDATED FILING RECEIPT

  
\*OC000000012871820\*

Date Mailed: 06/07/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**Dale A. Gepfrey, Upland, CA;  
Gary L. Gepfrey, Dayton, OH;**Assignment For Published Patent Application**

Gepfrey Industries, Inc.;

**Domestic Priority data as claimed by applicant****Foreign Applications**

If Required, Foreign Filing License Granted: 04/27/2004

Projected Publication Date: 07/28/2005

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\*****Title**

Water-tight windows with preformed corners

-16-

Preliminary Class

049

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/762,415	01/22/2004	Dale A. Gefrey	GII 001 P2 US

Joseph G. Nauman  
 696 Renolda Woods Ct.  
 Dayton, OH 45429-3415

CONFIRMATION NO. 4545



\*OC000000012888006\*

Date Mailed: 06/07/2004

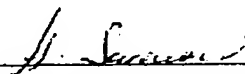
**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

**Domestic Continuity and Foreign Priority**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☒ The application(s) to which priority is claimed were ~~filed over a year prior to the filing date of this application.~~ Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.

- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

  
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FEB 04 2008

PATENT

## IN THE UNITED STATES PATENT OFFICE

New National Application of  
Inventor : GEPFREY, Dale A., et al  
Serial No. : 10/762,415  
Filed : 22 January 2004  
Title : WATER-TIGHT WINDOWS WITH PREFORMED CORNERS  
Art Unit : 3634  
Examiner : N/A  
Docket No. : GII 001 P2 US

Mail Stop : Patent Application  
Commissioner for Patents  
P.O. Box 1450  
ARLINGTON VA 22313-1450

Sir: Please enter this Preliminary amendment as promptly as possible in this National application based on International Appl. Ser. No. PCT/US02/233360.


In the specification, page 1, immediately after the title, insert as follows:

**-Related Applications**

This application is a U.S. National application based upon International Application PCT/US02/23360 filed 23 July 2002, which in turn claims priority of U.S. Provisional application Ser. No. 60/307,349 filed 23 July 2001.—

**Remarks**

The priority claim (stated above) was not included in the Updated Filing Receipt, despite the fact that the transmittal letter stated this application was a National filing based on the above noted PCT application, and a courtesy copy of the published International Application was provided with the originally filed papers. Also, the priority claim is included in the late-filed Declaration & Power of Attorney.

  
Joseph G. Nauman  
Reg. No. 18,032

23 June 2004

696 Renolda Woods Ct.  
Dayton OH 45429-3415  
937/643-0980; FAX 937-643-0985; Email jgnpat@ameritech.net

**CERTIFICATE OF MAILING**

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Commissioner for Patents  
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on 23 June 2004

  
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## § 1.494

## CONSOLIDATED PATENT RULES

By a small entity (§ 1.27(a)) . . . \$125.00

By other than a small entity . . . \$250.00

[52 FR 20050, May 28, 1987, effective July 1, 1987; paras. (a)(1) - (3), (b), (d) - (f), 54 FR 6893, Feb. 15, 1989, effective Apr. 17, 1989; para. (a)(5) added, 56 FR 65142, Dec. 13, 1991, effective Dec. 16, 1991; revised, 56 FR 65142, Dec. 13, 1991, effective Dec. 16, 1991; paras. (a)(1)-(a)(3), (a)(5) and (b)-(d), 57 FR 38190, Aug. 21, 1992, effective Oct. 1, 1992; para. (e) amended, 58 FR 4335, Jan. 14, 1993, effective May 1, 1993; paras. (a), (b) and (d), 59 FR 43736, Aug. 25, 1994, effective Oct. 1, 1994; paras. (a), (b), & (d) amended, 60 FR 41018, Aug. 11, 1995, effective, Oct. 1, 1995; paras. (a), (b), & (d) amended, 61 FR 39585, July 30, 1996, effective Oct. 1, 1996; paras. (a), (b), & (d) amended, 62 FR 40450, July 29, 1997, effective Oct. 1, 1997; para. (g) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; paras. (a)-(d) revised, 63 FR 67578, Dec. 8, 1998, effective Nov. 10, 1998; para. (a)(2) revised, 64 FR 67774, Dec. 3, 1999, effective Dec. 29, 1999; paras. (a), (b) and (d) revised, 65 FR 49193, Aug. 11, 2000, effective Oct. 1, 2000; paras. (a)-(e) revised, 65 FR 78958, Dec. 18, 2000; paras. (a)(1)-(a)(3), (a)(5), (b) and (d) revised, 66 FR 39447, July 31, 2001, effective Oct. 1, 2001; paras. (e) and (f) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002; paras. (a)(1) through (a)(3), and (a)(5) revised, 67 FR 70847, Nov. 27, 2002, effective Jan. 1, 2003; paras. (a)(1) through (a)(3), (a)(5), (b), and (d) revised, 68 FR 41532, July 14, 2003, effective Oct. 1, 2003; paras. (a)(1) through (a)(3), (a)(5), (b) and (d) revised, 69 FR 52604, Aug. 27, 2004, effective Oct. 1, 2004; revised, 70 FR 3880, Jan. 27, 2005, effective Dec. 8, 2004; paras. (b) and (c) revised, 70 FR 5053, Feb. 1, 2005, effective Feb. 1, 2005; paras. (h) and (j) revised, 70 FR 30360, May 26, 2005, effective July 1, 2005; paras. (b) and (c) revised, 70 FR 35375, June 20, 2005, effective July 1, 2005]

## § 1.494 [Reserved]

[Added 52 FR 20050, May 28, 1987; paras. (a) - (d) and (g) amended and para. (h) deleted, 58 FR 4335, Jan. 14, 1993, effective May 1, 1993; para. (c) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (c) revised, 63 FR 29614, June 1, 1998, effective, July 1, 1998 (adopted as final, 63 FR 66040, Dec. 1, 1998); para. (f) revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000; para. (c)(2) revised, 66 FR 16004, Mar. 22, 2001, effective Mar. 1, 2000; para. (c)(2) corrected, 66 FR 28053, May 22, 2001, effective Mar. 22, 2001; removed and reserved, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002]

## § 1.495 Entering the national stage in the United States of America.

(a) The applicant in an international application must fulfill the requirements of 35 U.S.C. 371 within the time periods set forth in paragraphs (b) and (c) of this section in order to prevent the abandonment of the international application as to the United States of America. The thirty-month time period set forth in paragraphs (b), (c), (d), (e) and (h) of this section may not be extended. International applications for which those requirements are timely fulfilled will enter the national stage and obtain an examination as to the patentability of the invention in the United States of America.

(b) To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date:

(1) A copy of the international application, unless it has been previously communicated by the International Bureau or unless it was originally filed in the United States Patent and Trademark Office; and

(2) The basic national fee (see § 1.492(a)).

(c)(1) If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date, the Office will notify the applicant if he or she has omitted any of:

(i) A translation of the international application, as filed, into the English language, if it was originally filed in another language and if any English language translation of the publication of the international application previously submitted under 35 U.S.C. 154(d) (§ 1.417) is not also a translation of the international application as filed (35 U.S.C. 371(c)(2));

(ii) The oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26<sup>ter</sup>.1;

(iii) The search fee set forth in § 1.492(b);

(iv) The examination fee set forth in § 1.492(c); and

(v) Any application size fee required by § 1.492(j);

(2) A notice under paragraph (c)(1) of this section will set a time period within which applicant

## CONSOLIDATED PATENT RULES

§ 1.496

must provide any omitted translation, oath or declaration of the inventor, search fee set forth in § 1.492(b), examination fee set forth in § 1.492(c), and any application size fee required by § 1.492(j) in order to avoid abandonment of the application.

(3) The payment of the processing fee set forth in § 1.492(i) is required for acceptance of an English translation later than the expiration of thirty months after the priority date. The payment of the surcharge set forth in § 1.492(h) is required for acceptance of any of the search fee, the examination fee, or the oath or declaration of the inventor after the date of the commencement of the national stage (§ 1.491(a)).

(4) A "Sequence Listing" need not be translated if the "Sequence Listing" complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b).

(d) A copy of any amendments to the claims made under PCT Article 19, and a translation of those amendments into English, if they were made in another language, must be furnished not later than the expiration of thirty months from the priority date. Amendments under PCT Article 19 which are not received by the expiration of thirty months from the priority date will be considered to be canceled.

(e) A translation into English of any annexes to an international preliminary examination report (if applicable), if the annexes were made in another language, must be furnished not later than the expiration of thirty months from the priority date. Translations of the annexes which are not received by the expiration of thirty months from the priority date may be submitted within any period set pursuant to paragraph (c) of this section accompanied by the processing fee set forth in § 1.492(f). Annexes for which translations are not timely received will be considered canceled.

(f) Verification of the translation of the international application or any other document pertaining to an international application may be required where it is considered necessary, if the international application or other document was filed in a language other than English.

(g) The documents and fees submitted under paragraphs (b) and (c) of this section must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a).

(h) An international application becomes abandoned as to the United States thirty months from the priority date if the requirements of paragraph (b) of this section have not been complied with within thirty months from the priority date. If the requirements of paragraph (b) of this section are complied with within thirty months from the priority date but either of any required translation of the international application as filed or the oath or declaration are not timely filed, an international application will become abandoned as to the United States upon expiration of the time period set pursuant to paragraph (c) of this section.

[Added 52 FR 20051, May 28, 1987, effective July 1, 1987; paras. (a) -(e) & (h) amended and para. (i) deleted, 58 FR 4335, Jan. 14, 1993, effective May 1, 1993; para. (c) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (c) revised, 63 FR 29614, June 1, 1998, effective July 1, 1998 (adopted as final, 63 FR 66040, Dec. 1, 1998), para. (g) revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000; para. (c)(2) revised, 66 FR 16004, Mar. 22, 2001, effective Mar. 1, 2001 para. (c)(2) corrected, 66 FR 28053, May 22, 2001, effective Mar. 22, 2001; heading and paras. (a)-(e) and (h) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002; paras. (c) & (g) revised, 68 FR 70996, Dec. 22, 2003, effective Jan. 21, 2004; para. (c) revised, 70 FR 3880, Jan. 27, 2005, effective Dec. 8, 2004; paras. (c)(1)(i) and (c)(3) revised, 70 FR 30360, May 26, 2005, effective July 1, 2005]

### § 1.496 Examination of international applications in the national stage.

(a) International applications which have complied with the requirements of 35 U.S.C. 371(c) will be taken up for action based on the date on which such requirements were met. However, unless an express request for early processing has been filed under 35 U.S.C. 371(f), no action may be taken prior to one month after entry into the national stage.

(b) National stage applications having paid therein the search fee as set forth in § 1.492(b)(1) and the examination fee as set forth in § 1.492(c)(1) may be amended subsequent to the date of entry into the national stage only to the extent necessary to eliminate objections as to form or to cancel rejected claims. Such national stage applications will be advanced out of turn for examination.

[Added 52 FR 20051, May 28, 1987, effective July 1, 1987; para. (b) revised, 70 FR 5053, Feb. 1, 2005, effective